

5123:2-6-03 **Authorization of developmental disabilities personnel to perform health-related activities and administer prescribed medication.**

(A) Individuals for whom developmental disabilities personnel may perform health-related activities and administer prescribed medication

Developmental disabilities personnel who are not specifically authorized by other provisions of the Revised Code to perform health-related activities or administer prescribed medication may do so pursuant to section 5123.42 of the Revised Code and rules adopted by the department under this chapter as part of the specialized services the developmental disabilities personnel provide to individuals who:

- (1) Are receiving early intervention, preschool, and school age services offered or provided pursuant to Chapter 5123. or Chapter 5126. of the Revised Code;
- (2) Are receiving adult services offered or provided pursuant to Chapter 5123. or Chapter 5126. of the Revised Code;
- (3) Are receiving family support services offered or provided pursuant to Chapter 5123. or Chapter 5126. of the Revised Code;
- (4) Are receiving services from certified supported living providers, if the services are offered or provided pursuant to Chapter 5123. or Chapter 5126. of the Revised Code;
- (5) Are receiving residential support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals and the services are offered or provided pursuant to Chapter 5123. or Chapter 5126. of the Revised Code;
- (6) Are receiving services not described in paragraphs (A)(1) to (A)(5) of this rule that are offered or provided pursuant to Chapter 5123. or Chapter 5126. of the Revised Code;
- (7) Reside in a residential facility with five or fewer beds;
- (8) Reside in a residential facility with at least six but not more than sixteen beds;
or
- (9) Reside in a residential facility with seventeen or more beds while on a field trip when:
 - (a) The field trip is sponsored by the residential facility for purposes of complying with federal medicaid statutes and regulations, state medicaid statutes and rules, or other federal or state statutes, regulations, or rules that require the residential facility to provide

habilitation, community integration, or normalization services to individuals;

(b) Not more than ten field trip participants are individuals who have health needs requiring the administration of prescribed medication, excluding participants who self-administer prescribed medication or receive assistance with self-administration of prescribed medication;

(c) The residential facility staffs the field trip with developmental disabilities personnel in such a manner that one person will perform health-related activities and administer prescribed medication for not more than four field trip participants if one or more of those participants have health needs requiring the person to administer oral prescribed medication through a gastrostomy or jejunostomy tube; and

(d) According to the instructions of a health care professional acting within the scope of his or her professional practice, the health needs of the field trip participants who require administration of prescribed medication by developmental disabilities personnel are such that the participants must receive the prescribed medication during the field trip to avoid jeopardizing their health and safety.

(B) Authorization of developmental disabilities personnel to perform health-related activities and administer prescribed medication by the categories described in paragraphs (A)(1) to (A)(9) of this rule

(1) In the case of individuals receiving services described in paragraphs (A)(1), (A)(2), (A)(6), and (A)(8) of this rule, trained and certified developmental disabilities personnel may, with nursing delegation:

(a) Perform health-related activities;

(b) Administer oral prescribed medication and apply topical prescribed medication; and

(c) Administer oral prescribed medication through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(2) In the case of individuals receiving services described in paragraphs (A)(3), (A)(4), (A)(5), and (A)(7) of this rule:

(a) Without nursing delegation, trained and certified developmental disabilities personnel may:

(i) Perform health-related activities; and

(ii) Administer oral prescribed medication and apply topical prescribed

medication.

(b) With nursing delegation, trained and certified developmental disabilities personnel may:

(i) Administer oral prescribed medication through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled; and

(ii) Administer routine doses of insulin through subcutaneous injection.

(3) In the case of individuals receiving services described in paragraph (A)(9) of this rule, trained developmental disabilities personnel may, with nursing delegation:

(a) Perform health-related activities;

(b) Administer oral prescribed medication and apply topical prescribed medication; and

(c) Administer oral prescribed medication through gastrostomy and jejunostomy tubes, if the tubes being used are stable and labeled.

(C) Requirements that apply when developmental disabilities personnel perform health-related activities and administer prescribed medication pursuant to section 5123.42 of the Revised Code

(1) To perform health-related activities, administer oral prescribed medication, apply topical prescribed medication, administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or administer subcutaneous insulin injections for individuals in the categories specified in paragraphs (A)(1) to (A)(8) of this rule and in accordance with paragraph (B) of this rule:

(a) Developmental disabilities personnel shall obtain the certificate or certificates required by the department and issued in accordance with rule 5123:2-6-06 of the Administrative Code;

(b) Developmental disabilities personnel shall perform health-related activities and administer prescribed medication only as authorized by the certificate or certificates held; and

(c) When nursing delegation is required in accordance with paragraph (B) of this rule, developmental disabilities personnel shall not act without nursing delegation or act in a manner that is inconsistent with nursing delegation.

- (2) To perform health-related activities, administer oral prescribed medication, apply topical prescribed medication, or administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube for individuals in the category specified in paragraph (A)(9) of this rule and in accordance with paragraph (B) of this rule:
- (a) Developmental disabilities personnel shall successfully complete the developmental disabilities personnel training program in accordance with paragraph (E) of rule 5123:2-6-05 of the Administrative Code.
 - (b) Developmental disabilities personnel shall perform health-related activities and administer prescribed medication only as authorized by the training program completed.
 - (c) When nursing delegation is required in accordance with paragraph (B) of this rule, developmental disabilities personnel shall not act without nursing delegation or act in a manner that is inconsistent with nursing delegation.
- (3) Prior to delegating to developmental disabilities personnel under this rule, the delegating nurse shall:
- (a) Assess the individual and complete an evaluation of the conditions under which the delegated tasks or delegated prescribed medication administration will be done.
 - (b) Select developmental disabilities personnel that, as applicable:
 - (i) Are certified pursuant to rule 5123:2-6-06 of the Administrative Code; or
 - (ii) Have current developmental disabilities personnel training pursuant to rule 5123:2-6-05 of the Administrative Code.
 - (c) Ensure developmental disabilities personnel have received individual-specific training for each individual for whom they perform health-related activities, administer oral prescribed medication, apply topical prescribed medication, administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or administer subcutaneous insulin injections. Developmental disabilities personnel shall not perform health-related activities, administer oral prescribed medication, apply topical prescribed medication, administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or administer subcutaneous insulin injections for any individual for whom they have not been specifically trained.

- (d) Document the assessment of the individual and individual-specific training.
- (e) Comply with all standards and conditions for nursing delegation in accordance with Chapter 4723-13 of the Administrative Code.
- (4) When delegating nursing tasks that are not taught as part of the curriculum specified in rule 5123:2-6-05 or 5123:2-6-06 of the Administrative Code, the delegating nurse shall train and verify the skills of developmental disabilities personnel in accordance with Chapter 4723-13 of the Administrative Code.
- (5) The employer of developmental disabilities personnel shall ensure that developmental disabilities personnel have received individual-specific training for each individual for whom they perform health-related activities, administer oral prescribed medication, apply topical prescribed medication, administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or administer subcutaneous insulin injections. Developmental disabilities personnel shall not perform health-related activities, administer oral prescribed medication, apply topical prescribed medication, administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or administer subcutaneous insulin injections for any individual for whom they have not been specifically trained.
- (6) In situations in which nursing delegation is required, the delegating nurse shall also ensure that developmental disabilities personnel have been trained specifically with respect to each individual for whom they perform health-related activities, administer oral prescribed medication, apply topical prescribed medication, administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or administer subcutaneous insulin injections. Developmental disabilities personnel shall not perform health-related activities, administer oral prescribed medication, apply topical prescribed medication, administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or administer subcutaneous insulin injections for any individual for whom they have not been specifically trained.
- (7) If the employer of developmental disabilities personnel believes or is notified by the county board, the department, a delegating nurse, or the quality assessment registered nurse that developmental disabilities personnel have not safely performed or will not safely perform health-related activities, have not safely administered or will not safely administer oral prescribed medication, have not safely applied or will not safely apply topical prescribed medication, have not safely administered or will not safely administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled

jejunostomy tube, or have not safely administered or will not safely administer subcutaneous insulin injections, the employer shall:

(a) Prohibit the action from commencing or continuing;

(b) Immediately make other staffing arrangements so that performance of health-related activities, administration of oral prescribed medication, application of topical prescribed medication, administration of oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, and administration of subcutaneous insulin injections are completed as prescribed, including compliance with the requirements of this chapter;

(c) If applicable, immediately notify the county board via the major unusual incident reporting system pursuant to rule 5123:2-17-02 of the Administrative Code; if applicable, the county board shall notify the quality assessment registered nurse; and

(d) If applicable, immediately notify the delegating nurse.

(8) If the delegating nurse believes that developmental disabilities personnel have not safely performed or will not safely perform health-related activities, have not safely administered or will not safely administer oral prescribed medication, have not safely applied or will not safely apply topical prescribed medication, have not safely administered or will not safely administer oral prescribed medication via stable labeled gastrostomy tube or stable labeled jejunostomy tube, or have not safely administered or will not safely administer subcutaneous insulin injections, the delegating nurse shall:

(a) Prohibit the action from commencing or continuing;

(b) Immediately notify the employer of the developmental disabilities personnel; and

(c) If applicable, immediately notify the county board via the major unusual incident reporting system pursuant to rule 5123:2-17-02 of the Administrative Code; if applicable, the county board shall notify the quality assessment registered nurse.

(9) Developmental disabilities personnel shall not engage in an action or actions subject to an employer's prohibition or a delegating nurse's prohibition.

(10) A registered nurse shall reassess nursing delegation and the needs of the individual on an ongoing basis, but at least annually. The reassessment may be more frequent if necessary in the judgment of the delegating registered nurse. The reassessment shall include a determination that:

- (a) Nursing delegation continues to be necessary;
- (b) The individual and circumstances continue to adhere to standards and conditions for nursing delegation in accordance with Chapter 4723-13 of the Administrative Code; and
- (c) The developmental disabilities personnel continue to demonstrate the skill to accurately perform the nursing tasks, health-related activities, and prescribed medication administration being delegated.

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Certification

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